

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MOUNTAIN VALLEY PIPELINE, LLC,)

Plaintiff,)

v.)

Case Number: 7:23CV00727

DANIEL GUIDRY,)

Defendant.)

DEFENDANT’S RESPONSIVE PLEADINGS TO AMENDED COMPLAINT

Now comes Defendant Daniel Guidry (“Guidry”), pursuant to Rule 12 of the Federal Rules of Civil Procedure, and responds as follows to the Amended Complaint filed against him by Plaintiff Mountain Valley Pipeline, LLC (“MVP”).

I. Motion to Dismiss Counts Two and Three

1. Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Guidry moves to dismiss Counts Two (common law conspiracy) and Three (statutory business conspiracy) for failure to state civil conspiracy claims upon which relief may be granted. This motion to dismiss rests on the grounds that follow, as explained in detail in Guidry’s supporting memorandum.

2. Counts Two and three should be dismissed because Guidry is the sole defendant in all three counts in the Amended Complaint. The conspiracy claims involve and depend upon the same tortious conduct alleged in Count One.

3. Alternatively, Counts Two and Three should be dismissed because neither is pleaded with sufficient specificity and particularity under the heightened standard for stating common law and statutory conspiracy under Virginia law.

4. Guidry incorporates by reference his Memorandum in Support of Motion to

Dismiss Counts Two and Three, which he files this day.

Wherefore, the Court should dismiss Counts Two and Three with prejudice.

II. Response To Amended Complaint

Without waiving the foregoing Motion to Dismiss Counts Two and Three, Guidry answers or otherwise responds to the Amended Complaint as follows:

5. Paragraphs 1 and 3 state legal conclusions to which no response is required.

6. Guidry lacks sufficient information to admit or deny paragraph 2 of the Amended Complaint.

7. With respect to paragraph 4, Guidry asserts his Fifth Amendment right against self-incrimination and respectfully declines to answer on that basis.

8. Paragraphs 5 through 11 contain legal conclusions to which no answer is required. Guidry denies that “the amount in controversy exceeds \$75,000 exclusive of interests and costs,” as MVP alleges in paragraph 10, and denies the Court has subject matter jurisdiction. Guidry does not dispute the propriety of venue, assuming federal jurisdiction exists.

9. Guidry lacks sufficient information to admit or deny paragraphs 12 through 16.

10. Any allegations which Guidry does not answer above for lack of sufficient information are denied. Guidry denies MVP is entitled to any relief whatsoever.

11. Guidry denies he is indebted to MVP in any amount under Count One.

12. With respect to paragraph 17 through 47, Guidry asserts his Fifth Amendment right against self-incrimination and therefore respectfully declines to answer on that basis.

13. Any allegations in the Amended Complaint Guidry does not admit expressly above are expressly denied, except to the extent Guidry has asserted his Fifth Amendment right against self-incrimination to any allegation in the Amended Complaint.

Affirmative Defenses

14. The Court lacks subject matter jurisdiction.

15. MVP's claim for economic losses for interference with an easement or right of way is barred by Virginia law. MVP is limited to the remedies available in civil trespass actions.

Wherefore, having responded to Counts One, Two, and Three, Defendant Daniel Guidry respectfully requests that the Amended Complaint be dismissed and he be awarded his costs and other relief the Court deems appropriate.

DEFENDANT DEMANDS TRIAL BY JURY ON ALL CLAIMS AND ISSUES TRIABLE TO A JURY.

DANIEL GUIDRY

By: /s/ Paul G. Beers
Of Counsel

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2024, I electronically filed the foregoing Defendant's Responsive Pleadings to Amended Complaint with the Clerk of the Court using the CM/ECF system which will send notification of such filing to counsel of record.

/s/ Paul G. Beers

Paul G. Beers